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May 25, 2005

Ms. Pamela Bonrud
Executive Director
South Dakota Public Utilities Commission
Capitol Building, First Floor
500 E. Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED
MAY 26 2005
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: Complaint filed by Black Hills FiberCom, L.L.C., Against Qwest Corporation Regarding Intrastate Switched Access Charges Applied to ISP-Bound Calls Which Complainant Claims is Interstate in Nature CT03-154

Dear Ms. Bonrud:

Enclosed for filing in the above referenced matter are the original and ten copies of a pleading submitted jointly by Black Hills FiberCom, L.L.C. and Qwest Corporation entitled Joint Notice of Settlement and Motion to Dismiss. Counsel for both parties have signed the pleading, and request Commission action on the Motion at its earliest convenience.

Please call me if you have any questions.

Thank you.

Sincerely,



Marvin D. Truhe

MDT:skh

Enclosure

cc w/ encl: Thomas Welk
Tim Goodwin
Karen Cremer
John Smith

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

RECEIVED

MAY 26 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

CT 03-154

**JOINT NOTICE OF
SETTLEMENT AND
MOTION TO DISMISS**

**In the Matter of the Complaint Filed by Black Hills)
FiberCom, L.L.C., Rapid City, South Dakota)
Against Qwest Corporation Regarding Intrastate)
Switched Access Charges Applied to ISP-Bound)
Calls Which Complainant Claims is Interstate in)
Nature)**

Black Hills FiberCom, L.L.C. ("FiberCom") and Qwest Corporation ("Qwest"), by and through their respective undersigned counsel, hereby state that the parties have resolved all issues regarding the above entitled matter, and request that this matter be dismissed, with prejudice.

PROCEDURAL HISTORY

1. On October 29, 2003, FiberCom filed a Complaint with the South Dakota Public Utilities Commission ("Commission") against Qwest regarding intrastate switched access charges applied to ISP-Bound calls which FiberCom claimed were interstate in nature. On November 18, 2003, Qwest filed an Answer and Counterclaim. The parties submitted additional pleadings and, following discovery by both parties, a hearing was held before the Commission on April 27, 2004.

2. The parties submitted post-hearing pleadings and on August 31, 2004, the Commission heard oral argument. Following oral argument, additional supplemental briefs were submitted by the parties.

3. On December 28, 2004, the Commission voted unanimously to deny Qwest's Conditional Motion to Dismiss, to find for Qwest in part and for FiberCom in part on FiberCom's Amended Complaint, and to deny Qwest's Counterclaim.

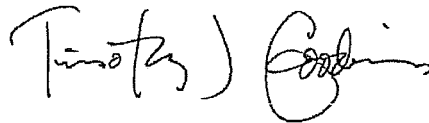
4. On February 24, 2005, the Commission issued a Final Decision and Order which was subsequently superseded on March 14, 2005, by the Commission's issuance of an Amended Interim Decision and Order.

5. While the Amended Interim Decision and Order was still in effect, no Final Decision having been entered, FiberCom and Qwest entered into a written agreement on April 9, 2005, settling all matters between them arising out of the above entitled matter.

MOTION TO DISMISS

Accordingly, FiberCom and Qwest respectfully request that the Commission issue an Order dismissing, with prejudice, FiberCom's Amended Complaint and Qwest's Counterclaim, and that the Commission revoke its Amended Interim Decision and Order. The parties agree that this Notice of Settlement and Motion to Dismiss may be executed in separate counterparts, and submitted separately by the parties to the Commission, in order to expedite its consideration by the Commission.


QWEST CORPORATION:

By 

Timothy J. Goodwin, Senior Attorney

Date: May 25, 2005

BLACK HILLS FIBERCOM, LLC:

By 

Marvin D. Truhe, Attorney at Law

Date: May 25, 2005